

REMARKS

This Amendment is responsive to the Office Action received on February 11, 2008 setting a three-month shortened statutory period for response which expires on April 11, 2008. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered. Claims 1-11 and 19-27 are pending. Independent claims 9 and 19 have been amended. Prompt reconsideration is requested.

Objections

The specification was objected to as containing informalities. The specification has been amended as suggested by the examiner. Accordingly, this objection is believed to now be moot.

Drawings

The drawings were objected to as failing to include reference signs. A replacement sheet of drawing is provided in the Appendix hereto that provides the requisite reference numerals as required. This objection should now therefore be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1-11 and 19-24 stand rejected as unpatentable over Gabai et al. Claims 25-27 are only addressed in paragraph 19. Therefore the rejection is believed to encompass claims 19-27 rather than being limited to claims 19-24 as stated in paragraph 5. Independent claims 9, and 19 have been amended to be consistent with Applicant's prior amendment (claim 9) and provide proper antecedent basis for a limitation (claim 19).

The toy in the Gabai patent can only play audio messages it receives from the **“central node controller.”** The “central node controller” is fixed in location and does not provide a signal identifying itself or a mobile character. It tracks the progress of the toy through the park and transmits an audio signal to the toy that is specific to the location of the toy. The toy then receives the audio signal and converts the signal to an audio output, like a one way radio. In

contrast, Applicants' claimed device is a device that has notifications, or responses, stored within it and the device is programmed to play a notification upon receipt of the location signal provided by a roving character. In addition it also provides an identification signal of itself. The device, for example, a toy as described specifically in the present disclosure, therefore, appears to the user as if it "knows" its location relative to the roving character and also the roving character's identity and is interactive with the user unlike the toy in the Gabai et al patent that is a passive conduit of the "central node controller."

The examiner admits, in paragraph 6 of the Office Action, that Gabai et al fails to disclose a MOBILE character transmitting its identity to the portable toy, in this case, an owl doll. This 224 page patent is extremely detailed, with over 190 figures, and yet nowhere in the Gabai et al reference does it disclose or suggest ANYTHING but the use of stationary central node controllers. Thus it is submitted that in view of such a detailed and extensive disclosure, it clearly was NOT obvious to provide a mobile character as Applicants' claims. There is no directional and tracking abilities of the Gabai et al system that would suggest providing a mobile character transmitting its own identity signals to the device as is claimed and providing notifications to the user of the character identity. Accordingly, Applicant respectfully requests the examiner reconsider and withdraw the rejection of claims 1-11 and 19-27 based on Gabai et al.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

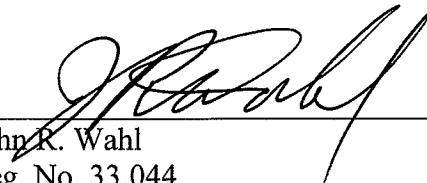
The Director is authorized to charge any fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 054317-029101 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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APPENDIX